

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
:  
HADIYAH CHARLES,  
:

Plaintiff,  
:

-against-  
:

THE CITY OF NEW YORK, et al.,  
:

Defendants.  
:  
-----X

12 Civ. 6180 (SLT)(SMG)

**DECLARATION OF  
ALEXIS KARTERON  
IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND  
SPOILIATION SANCTIONS**

Alexis Karteron declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an attorney at the New York Civil Liberties Union and am counsel for the plaintiff in this matter. I make this declaration to place certain documents and information before the Court.

2. Annexed hereto as Plaintiff's Exhibit 1 is an excerpt of the transcript of the deposition of NYPD Officer Adam Dumelle, a non-party, dated September 27, 2014.

3. Annexed hereto as Plaintiff's Exhibit 2 is the NYPD Command Conditions Report, 79<sup>th</sup> Precinct, for the week of June 4, 2012, bearing Bates number D 488.

4. Annexed hereto as Plaintiff's Exhibit 3 is an excerpt of the transcript of the deposition of Defendant Anthony Famighetti, dated September 24, 2014.

5. Annexed hereto as Plaintiff's Exhibit 4 is an excerpt of the transcript of the deposition of Defendant Pamela Benites, dated August 16, 2013.

6. Annexed hereto as Plaintiff's Exhibit 5 is an excerpt of the transcript of the deposition of Defendant Raymond Williams, dated August 14, 2013.

7. Annexed hereto as Plaintiff's Exhibit 6 is the Declaration of Defendant Anthony Famighetti, dated July 17, 2014.

8. Annexed hereto as Plaintiff's Exhibit 7 are two stop-question-and-frisk reports ("UF-250s") filled out by Defendant Pamela Benites, bearing Bates numbers D078-D081.

9. Annexed hereto as Plaintiff's Exhibit 8 is an excerpt of the transcript of the deposition of non-party witness Ivory Cannady, dated December 13, 2013.

10. Attached hereto as Plaintiff's Exhibit 9 is an excerpt of the transcript of the deposition of non-party witness D.C., dated October 2, 2013.

11. Annexed hereto as Plaintiff's Exhibit 10 is an excerpt of the transcript of the deposition of plaintiff Hadiyah Charles, dated August 2, 2013, and August 22, 2014.

12. Attached hereto as Plaintiff's Exhibit 11 is an excerpt of the transcript of the deposition of non-party witness Louisa Brown, dated October 2, 2013.

13. Attached hereto as Plaintiff's Exhibit 12 is an excerpt of the transcript of the deposition of non-party witness Louise Cannon, dated October 2, 2013.

14. Annexed hereto as Plaintiff's Exhibit 13 is an excerpt of the transcript of the deposition of non-party witness Erica Poellot, dated October 4, 2013.

15. Annexed hereto as Plaintiff's Exhibit 14 is the NYPD memobook of Defendant Pamela Benites, bearing Bates numbers DOC 7-DOC 9.

16. Annexed hereto as Plaintiff's Exhibit 15 is the NYPD memobook of Defendant Raymond Williams, bearing Bates numbers DOC 4-DOC 6.

17. Annexed hereto as Plaintiff's Exhibit 16 is an email sent from Plaintiff Hadiyah Charles to the Clifton Place Block Association, dated June 6, 2012, 6:55pm, bearing Bates numbers HC1-HC2.

18. Annexed hereto as Plaintiff's Exhibit 17 is the slip opinion in *Buehler v. City of Austin/Austin Police Dep't.*, No. 13-cv-1100 (ML) (W.D. Tex. July 24, 2014).

19. Annexed hereto as Plaintiff's Exhibit 18 is the Statement of Interest of the United States, *Sharp v. Baltimore City Police Dep't.*, No. 11-cv-28888 (BEL), (D. Md., filed Jan. 10, 2012).

20. Annexed hereto as Plaintiff's Exhibit 19 is an excerpt from the NYPD Patrol Guide Procedure No. 208-03 entitled "Observers at the Scene of Police Incidents," bearing Bates numbers D489 and D497-D498.

21. Annexed hereto as Plaintiff's Exhibit 20 is an excerpt from the NYPD Police Student's Guide regarding Obstructing Governmental Administration bearing Bates number D499.

s/ Alexis Karteron  
ALEXIS KARTERON

Dated: September 23, 2014  
New York, N.Y.